



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
13 May 2016

Original: English
English, French and Spanish only

Committee against Torture

**Consideration of reports submitted by States
parties under article 19 of the Convention
pursuant to the optional reporting procedure**

Second periodic report of States parties due in 1996

Afghanistan *, **, ***

[Date received: 1 April 2016]

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- * The Committee against Torture considered the initial report of Afghanistan (CAT/C/5/Add.31) at its 120th and 121st meetings, on 10 November 1992 (see CAT/C/SR.120 and 121).
 - ** The present document is being issued without formal editing.
 - *** The annexes to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee against Torture.

GE.16-07826(E)



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1. Preamble

1. The human rights was recognised under the name of citizens' rights in the previous legal system of Afghanistan and these rights has been considered in the Afghanistan Constitution in accordance with Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and other international human rights conventions and the Government of Afghanistan established some necessary structures and mechanisms for protection of citizen's rights. This resulted in the creation of human rights structures, including the establishment of Afghanistan Independent Human Rights Commission, civil society organizations that work for human rights and human rights units within the government structure. The international community widely supported the promotion of the concept of human rights.

2. The Commission of Women Affairs, Civil Society and Human Rights were formed in the Parliament to serve women affairs, civil society and human rights cases. For the first time, a constructive relationship between parliament, civil society and human rights units – within the government institutions was formed. Afghan media prepare and broadcast programs in relation to human rights. Civil society organizations convene capacity building programs, advocacy, awareness raising programs and monitoring the human rights situation. This is a major accomplishment, thanks to political, social, economic and cultural development in the past decade. Throughout the history of Afghanistan, for the first time, civil liberties are recognized by the state. The President of Afghanistan respects freedom of expression and media and constantly urges the government authorities to these values. Aside these achievements, there have been major challenges into human rights in the country.

3. The Afghanistan Independent Human Rights Commission, civil society and international human rights organizations in Afghanistan, in collaboration with judicial institutions, the Ministry of Defense, Ministry of Interior, Ministry of Women's Affairs, Ministry of Justice, Ministry of Public Health and National Directorate of Security, were given the opportunity to monitor the rights of citizens in all detention facilities throughout the procedures of arrest, investigation and trial. Media could also provide reports on prison conditions. On the other hand, cooperation and an enabling environment were created between the government and the Parliament, to monitor prison conditions. Oversight committees of Parliament, after receiving complaints visit prisons and talk to prisoners. Parliamentary commissions' reports and proposals are used to improve prison conditions. Media contribute an important role in the country's political and legal reforms by making these reports public. By proclaiming the demands of the victims of torture, it paves the ground for dialogue between experts, analysts and researchers in the fields of human rights, national laws and international norms. The Afghan civil society, has gained significant achievements in the past ten years; considered distinctive throughout the region. The collaboration between media, civil society and political parties contributed enormously to human rights advocacy. Under the constitution and its international obligations, the government recognized the freedom of political parties. Political parties, share their views on human rights issues, in particular the civil and political rights, with the government.

4. The formation of the National Unity Government signalled an important message to promote the values enshrined in the Convention against Torture. President Mohammad Ashraf Ghani in his early days in the office visited Pul-e-Charkhi Prison and Central Detention facility in Kabul and inspected the prisons and prisoners' condition. In the Analytical Symposium on 11 November 2014 on the prohibition of torture, President Ghani in his message, the Parliamentarians and the Council of Ministers expressed their support for the reporting process.

5. Afghanistan was among the first countries that signed the UNCAT in February 1985 and later ratified the document in April 1987. Afghanistan has not yet joined the OPCAT of the convention. The State submitted its report on the implementation of the convention to its relevant committee in 1992. Since then, due to civil war and continued conflicts, Afghanistan could not submit its periodic reports. After the fall of the Taliban regime where a new environment for recuperation was created; Afghanistan created new programs, plans and structures meet its international commitments. Initially, attempts were made to enhance the capacity of these new structures. Here the role of the international community, especially the UN, on strengthening the professional capacities of human rights organizations, is of utmost importance. During this period, civil society and media improved which in turn strengthened up the discourse on human rights. Attempts were also made to bring coordination and coherence among government agencies, in order to improve the country's human rights situation and, finally, the government was ready to report to the international community. As a result, Afghanistan could provide reports to UN Human Rights Council under the UPR mechanism in 2009, on implementation of the Convention on the Elimination of All Forms of Discrimination against Women, the Economic, Social and Cultural Rights and the current report.
6. Afghanistan hopes that the report and recommendations of the Committee against Torture improve the reporting process of State on provisions of the International Convention against Torture.
7. For more information on methodology of reporting, please refer to Annex 2.

2. Answers provided to the Recommendations

8. Organizing the answers of governmental institutions in the structure of the report based on the guidelines of the Committee Against torture.

Answer to Question # 1:

9. According to article 275 of Penal Code, if an official of the public services tortures the accused for the purpose of obtaining confession or issues order to it, shall be sentenced to long-term imprisonment.
10. Article 21 of Criminal Procedure Code states:
- 1) Received evidences and proofs that have not been considered through violation of provision of this law or other laws, will be out of the dossier and will be stamped. These evidences will be kept separate from other evidence, as not accepted evidence.
 - 2) In all investigation of cases, the Attorney General Office and the Court shall make sure of existence and no-existence of the evidences and proofs mentioned in sub-article (2).
11. Article 22 of this Code states:
- 1) The judicial recording clerk, Attorney General Office and Court are not allowed in any case to make the suspect or accused confess through abuse, using drug, reluctance, torture, magnetic sleep, threat, intimidation or promise of benefit by its own or through other person.
 - 2) Any testimony or statement that has been taken by any means mentioned in sub-article (1) is not liable.
12. Article 7 of the Juvenile code states: "Contemptuous and harsh punishment of a child, even if for correction and rehabilitation purposes, is not allowed."

13. The Afghan laws invalidate statements and confession obtained on the grounds of duress and coercion, it indicates that the prohibition of torture and punishment is discouraged in Afghan laws. Article 148 of the Criminal Code, has five points and foresees certain measures for aggravated cases where someone intentionally kills someone else. A civil servant will be sentenced to long-term imprisonment if he/she is punishing the offender, in addition to court verdict according to Article 416 of the Afghan Penal Code.

14. According to articles 36, 40, 45, 46 and 65 of the penal code, a crime is deemed inadvertent when the occurrence of a crime is subject to erroneousness of the agent. There will be criminal liability if a crime is intended, with free will committed and with the correct perception of crime. When there is a change in the implication of the agent of crime or delineation of the crime, the other complicit may be tried on the basis of their intention or comprehension of the crime. Torture, according to the penal code, is considered a crime and the perpetrator will be sentenced to long-term imprisonment.

Answer to Question # 2:

15. The Penal Code of Afghanistan has firmly prohibited the exercise of any kind of torture by a public servant in order to obtain confession etc. According to articles 4, 275, 276, 277 and 286 of the penal code the presumption of innocence is respected. Punishment contrary to human dignity, is not permissible. If a public servant resort to torture or any inhuman act in order to obtain a confession, he/she will be punished on the provisions of the penal code and will be fired from his/her job.

16. According to Article 414 of the Penal Code, midterm imprisonment will be applied if a public servant without permission of relevant, high authorities, arrests, detains someone or bans from work. In addition to this, if an ordinary person wears a police uniform or pretends to be an official authority, arrests, detains or torture someone, he/she will be sentenced to long-term imprisonment which should not be less than ten years according to Article 415 of the Penal Code.

Answer to Question # 3:

17. Also Human Rights Department of Ministry of Interior (MoI) as the result of monitoring from the prisons and detention centers, arrested some law enforcement officers because of commitment of torture and dead of one suspect in Kabul detention center, five law enforcement officers have been arrested in Kandahar province and two law enforcement officers were arrest in Khost province because of commitment of torture and introduced them to the relevant organisations.

18. The Attorney General Office investigated 52 cases in total during 2013-2015. Also in 2014 1,115 case of violation against women in Kabul have been investigated, 88 cases got the order from final court, 192 cases are in primary court and 79 cases are appeal court. Also in that year 927 cases of violation against women in all provinces country have been investigated, and 887 cases of violation against women have been investigated in provincial Attorney Offices up to 16 November 2015.

Answer to Question # 4:

19. Due Process is a fundamental human right in order to protect individuals against unlawful deprivation of basic rights and freedoms, particularly the right to life and freedom. Minimum Rules for the Treatment of Prisoners regulates the condition of detainees in custody. The Rules on different categories of detainees who are kept in separate buildings. For example, women from men and children from adults should be kept separate. Use of excessive force by detention authorities unless to defend them is strictly prohibited. Detainees should be allowed to communicate with their families. Also by international

organisations assistance, numerous training courses have been held to teach the least standards of treatment with prisoners for the court and prison personnel in Kabul, so positive results have been observed in the personnel treatment.

20. Based on the principle of Presumption of Innocence, every man is presumed innocent as long as he/she is convicted of a crime. In case of acts of crime he/she may enjoy the following rights: 1) the prohibition of arbitrary deprivation, 2) the right to remain silent, 3) prohibition of forced confessions, 4) the right to enjoy facilities and enough time to prepare a defense, 5) the notification of the charges, 6) the right to an interpreter, 7) rights of the accused in the court proceedings (specified period), which in all cases are considered for suspected and accused on the provisions of Interim Criminal Procedure Code which was ratified in 2014.

21. Article 31 of the Constitution on the right to legal proceedings, states that everyone in order to repel any accusation upon arrest or to assert his/her rights, can appoint an attorney. The defendant has the right, upon arrest, be informed of the accusation and within the limits laid down by law to be presented in court. The legal assistance system that is to be extended, will provide will appoint a defendant for the poor free of charge.

22. Article 3 of the Law on Prisons and Detention Centers states that, prisons and detention centers, personnel, prosecutors, judges and others who one way or another deal with prisons and detainees under arrest, are obliged, while on duty, should respect Islamic orders and human rights norms and treat them with fair regardless of their race, nationality, religion, race, color, sex, language, or social and political status. The least standard should be considered for the suspected and prisoners.

23. Articles 24 and 25 of the Law on Prisons and Detention Centers states, to keep the facilities clean and equip them with medical apparatus; providing persons under custody with bed and drinking water, need to take into account their age, health status, especially in the case of pregnancy and childbirth, and healthy food considered suitable.

24. According to the articles 6, 7 of the laws against terrorist offenses, suspected or accused of terrorist offenses, like other crimes suspects and accused have the same legal rights and if the suspect or accused is a foreign citizen he/she enjoys the same rights set forth in the law.

25. The Articles 4, 5, 6, 10, 13, 17, 18, 19, 20, 21, 23, 24, 29, 30, 33, 36, 41 of the Law on Juvenile Correction Centers states that suspects and accused children after court verdicts are kept in the Correction Centers; the staff of Correction Centers are prohibited of resorting to any kind of discrimination and shall deal fairly with children; provide suitable living conditions for suspected children; accused and convicted children of acts of misdemeanour without psychological sufferings; the personnel of detention facilities shall put no restrictions on the rights of suspected, accused and convicted children; keep male separate from female children in the Juvenile Correction Centers; establish high council for Correction Centers, provide health services, provide healthy food and water, and, provide health care and treatment, etc.

26. In accordance with articles 7, 8, 9, 10, 11 and 152 of the Criminal Procedure Code of 2014 for courts, every person has the right to appoint a lawyer, if needed a translator, and if a suspect or accused do not have the financial ability to pay the fee, the government shall provide a lawyer and the legal assistance and a translator to him/her. Police before the arrest, attorney before prosecution and the judge before trial, shall inform him/her of these rights and explain to them and register them and take his/her signature and finger print, and if he/she is not willing to have defendant, this issue shall be registered too. According to the above mentioned provisions, the suspects and his/her legal representative has the right to be informed of the all criminal procedures and should be present in all process, and in serious crimes his/her lawyer should be present too.

27. In accordance with article 31 of Constitution and articles 2, 4 and 10, of the Advocates Law, any person in order to dispose charges or assert his/her rights can appoint an advocate. When the suspect is informed during arrest of his/her conviction, he/she shall be present in the court according to the law.

28. Paragraph 1 of Article 22 of the Juvenile Justice, Law states that: If the child's parents or legal representative cannot afford to hire a lawyer; state appoints one. The only difference between the order of law for children and adults, is that children are not required to request for a lawyer. The court on their own initiative is required to appoint a lawyer.

29. Afghan criminal laws, do not restrict the rights of accused and suspects except taking into account their interests, if they intend to harm themselves or others, or even prevent the occurrence of crime. Article 122 of the Penal Code, provides 4 types of preventive security measures: deprivation of liberty, safeguarding, restricting freedoms, depriving rights and financial measures.

30. In accordance with article 31 of law on Juvenile and Correction Centers, where suspected, accused and convicted children violate the order and discipline of the centers, the personnel of countries according to circumstances provide corrections to children as follows: Individual warning, warning in public, prohibiting contact with family, depriving from holidays.

31. In accordance with paragraph 2 of this Article, the inhumane and degrading discipline which may harm the physical or mental health of the suspected and convicted children is strictly forbidden.

32. According to Article 43 of the Law of Prisons and Detention Centers, detainees and persons in custody who do not respect the order and discipline of the detention facilities, the authorities discipline as follows: Individual warning, warning in public, deprived of work and other normal activities for a period of up to fifteen days, revoke permission for leave.

1) Pregnant women and nursing mothers, only with regard to the provisions mentioned in section 1 and 2 of paragraph 1.

2) Discipline of women and men aged between 18 to 25 years shall not be more than half of the period foreseen in Article 43 of the law on Prison and Detention Centers according to paragraph 3 and 4 of the above article.

33. On time proceeding of cases and access to the courts and:

34. Based on Articles 4, 5, 11, and 15 of the Law on Structure and Mandate of Office of Prosecutions and Articles 22 and 51 of the laws on Prisons and Detention Centers and relevant provisions of the Criminal Procedure Code, Attorney General Office shall protect the rights of citizens under the constitution and other domestic laws, especially the rights of suspects, accused and convicts while respecting the chain of commands and make continuous monitoring of the detention facilities. Also, before the suspects and accused are put in the detention centers, during the interview, the authorities are required to respect all their rights and attend to their complaints and register them in the Index Form.

35. For more information, please refer to Annex 4.

Answer to question # 5:

36. The time period for the suspect and the accused held in custody – according to Afghan laws – is shown by the following table.

The period when accused awaits for trial (from arrest to verdict)

<i>Criminal process</i>	<i>Custody period according to the Criminal Procedure Code 2014</i>	<i>Article of Law</i>	<i>2014</i>	
The total period that a suspect will be in custody before his/her case refer to the court	Police	72 hours	Article 87 72 hours	Article 31
	Attorney General Office	- 7 days for misdemeanor -15 days in crime - 10 day for misdemeanor or court order - 30 days for crime or court order - 10 days more extension for misdemeanor or court order - 30 days more extension for crime and court order - total custody period for investigation 27 days for misdemeanor and 75 days for crime - the custody is based on necessity, if there is no need for keeping, the investigator may release her/him with or without financial grantee	Article 100 1515	36
The custody period after her/his case refer to court	Primary court	During the primary investigation up to 30 days.	Paragraph 1 article 101 60	236
	Secondary court	During the secondary investigation up to 30 days.	Paragraph 2 article 101 60	236
	Supreme court	During the investigation up to 60 days; The total period of investigation (from primary up to supreme court) cannot be more than 120 days	150	236

Children in custody

Children in custody awaiting a court verdict

According to Juvenile Code, a child shall not be kept more than 40 days in the Juvenile rehabilitation center (liberty deprivation centers) from the time of arrest up to the completion of the trial.

According to article 30 of Juvenile Code

Retention up to the submission of the case to Attorney General Office One Day (Maximum limit two Days)	Completion of the investigation by prosecution One week (Maximum limit three weeks)	Preparing & submitting the Indictment Lawsuit One week (Maximum limit three weeks)	The court is issuing verdicts 10 days (after the receipt of the case)
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According to article 27 of the Juvenile Code, in order to secure better justice, the cases of the children violating the law shall be addressed in three stages (primary, appeal and final).

Answer of Question # 6:

37. In accordance with article paragraph 3 of article 31 of Constitution and 2 of the Legal Aid Regulation, providing free legal aids, to poor suspects and accused persons, free and continuous legal support to suspect and accused by the defense lawyers, provision of legal assistance in criminal and civil cases, monitoring and evaluation of the legal aid proceedings are the main objectives of this regulation. Ministry of Justice provides legal assistance to individuals as per the provisions of articles 5, 7, 8, 11, 12, 19, and 20 of the Legal Aid Regulation. Poor suspect and accused shall be introduced to the Ministry of Justice and its provincial sub offices for receiving free legal assistance, by security institutions, attorney general office and courts. Legal Aid offices while providing legal aids shall prioritize children, unaccompanied women, disabled, returnees and internally displaced persons, and shall provide free interpreter and defense lawyer; are the issues covered in the above mentioned provisions. The Ministry of Justice in coordination with the Supreme Court and Attorney General Office, identify the requirements of legal assistance and shall conduct long-term awareness programs to inform the suspects and accused of their basic rights.

Answer to Question # 7:

38. Article 24 of the constitution states that “Liberty is the natural right of human beings. This right has no limits unless affecting others freedoms as well as the public interest, which shall be regulated by law. Liberty and human dignity are inviolable. The state shall respect and protect liberty as well as human dignity”.

39. According to articles 26 and 27 of the Afghan constitution, Crime is a personal act. Investigation, arrest and detention of an accused as well as penalty execution shall not incriminate another person. No one shall be pursued, arrested, or detained without due process of law.

40. No one shall be punished without the decision of an authoritative court taken in accordance with the provisions of the law, promulgated prior to the commission of the offense.

41. Articles 4 and 92 of the Criminal Procedure for Court state that from the moment of the introduction of the penal action until the criminal responsibility has been assessed by a final court verdict, the person is presumed innocent. Therefore, if the decisions induced deprivations or limitations of human rights, must be strictly confined to the need of collecting evidence and establishing the truth.

42. Based on articles 114, 415 and 416 of the Penal Code, if a person without the provisions of law or the order of an authorized official, arrest, detain or prevent another person from work, considering the circumstances shall be sentenced to midterm imprisonment. If arrest, detention, and prevention of work is accomplished by an ordinary person wearing an official uniform, or by a person under fraud, identity, or by a person attributing a fake order to an authorized relevant government agency, the offender shall be sentenced in view of the conditions to long-term imprisonment, not exceeding 10 years.

43. If arrest, detention, and prevention of work is accompanied by using excessive force, death threat or physical harassment, or if the person committing the crime is a government official, the offender shall be sentenced to the maximum anticipated punishment specified in article 415 of the penal code.

44. According to article 417 of the penal code, a person knowingly lends a place to be used for illegal detention, shall be sentenced to imprisonment period not exceeding three years.

45. According to article 12 of the Law against Terrorist Offenses about the illegal arrest by using excessive force, death threat or physical torture or captivity, with consideration of the circumstance, the perpetrator shall be sentenced to maximum long-term imprisonment. Based on article 12 of this law, the police are obliged to inform the legal guardians of the child and social service organizations of the arrest and the location of child surveillance within 24 hours after the arrest. In case not informing within that period of time, the police are bound to provide a written report with reasons of the delay to the relevant prosecutor. If police fail to provide a sound justification, s/he could be prosecuted.

46. Arbitrary detentions, is clearly violating articles 23, 24, 25, 26, 27, 28, 29, and 30 of the Constitutions. All prisoners and detainees shall be transferred to prisons and detention centers after legal proceedings who are arrested in light of evidence. There is no option of being arbitrary arrested or detained, unless under the provision of law.

47. Prisons have some solitary confinement cells where prisoners in certain circumstances are kept, such as persons with epidemic diseases, terrorists and persons with mental diseases.

Answer to Question # 8:

48. According to the provisions of enforced laws, international human rights conventions, to respect the human dignity and everybody privacy, considering article 29 of Constitution, and Presidential decree No. 129 date 16 February 2013, and numerous instructions of Director General of NDS, the primary investigation of the arrested suspects conducted quite openly according to the Islamic standards.

49. For further transparency, respect of human dignity and individual freedom, NDS allows international organisations such as International Committee of Red Cross (ICRC), UNAMA, AIHRC, Committees from both houses of Parliament, AGO High Delegation of Monitoring, and suspects' lawyers to visit the suspects and detention centers.

50. For the enforcement of law provision and human rights values, the violators who committed torture, shall be punished by disciplinary actions, e.g. degrading and dismissal from NDS. NDS has send four official recommendation letters to four deputy directors in four NDS departments. Also one investigator and one custody officer have been transferred from their positions, as they had mistreated the suspects. One director was dismissed from NDS, one director was degraded and warning letters have been sent to four departments of NDS in order to prevent the mistreatment of their official with suspects.

Answer to Question # 9:

51. The Ministry of Interior has issued work permit for 17 private security companies and they operate in accordance with the approved terms of reference; their activities are being monitored by the MoI.

52. Private Security Companies carry out the following actions:

- Providing security for private construction companies, private road construction companies and convoy of the International organizations;
- Providing security to formal delegations, political envoys of foreign states and highway authorities;
- The number of the persons of private security companies shall not exceed 500 persons, unless the council of ministers agrees on a higher number.

53. If guards of the security companies commit torture and inhuman treatments, according to article 31 of the procedure of the High Board of Solidarity of Torture Perpetrators, the perpetrators of torture shall be introduced to the military prosecution of the

MoI and for court verdicts their case shall be referred to the directorate of the military court of the MoI.

Answer to Question # 10:

54. Afghan Constitution (arts. 120 and 122) and establishment and competence of judicial system law (art. 8) will not recognize any trial process out of judicial system and interference of individuals will be considered illegal. Article 26 of the Law on Elimination of Violence against Women states: "If a person engages or marries a woman who has attained the legal age of marriage without her consent, considering the circumstances, he/she shall be sentenced to midterm imprisonment that may not be less than 2 years and the marriage or engagement shall be revoked in accordance with the provisions of law". Article 27 of the same law states: "If a person not observing the article 71 of the civil rights, marries a woman who has not attained the legal age of marriage, taking into account the circumstances the offender shall be sentenced to short-term imprisonment, not less than 2 years".

55. Article 70 of the Civil Law states that, "marriage shall be considered adequate when the male and female complete the ages of 18 and 16 respectively. According to paragraph 2 of article 71 of the Civil Code, underage marriage shall never be permitted".

56. In order to reduce violence against women, the government intends to establish marriage registration centers and provide legal marriage certificates (Nekahnama).

57. According to the protocol on elimination of forced and child marriages, the government via the commission on elimination of violence against women has conducted some programs across the country, these programs include the following issues:

- Campaign against forced and child marriages;
- Providing legal materials to media on the negative impacts of forced and child marriages;
- Capacity building of government agencies in respect to the " elimination of violence against women";
- Implementing constructive programs for the purpose of solving and evaluating forced and child marriages;
- Providing legal consultations to needy persons;
- Signing protocols with 14 ministries for creating joint coordination and efforts on the elimination and reduction of forced marriages;
- Publishing advertisements and producing TV spots;
- Holding constructive dialogues with religious leaders across the country in order to reduce and prohibit forced marriages;
- Solving and evaluating forced and pre-age marriages;
- Referring such cases to judicial institutions.

58. Based on the above provision and provisions of criminal code, the Afghan legal and judicial system, is against any kind of traditional approach that is in contrast to human rights standards and prosecutes those who violate them. For instance, the appeal court of Samangan province on its order number 214 dated 20/11/2013, prosecuted 15 persons in relation to a case of BAAD (Marrying a woman without her consent to someone as blood money or for the purpose of bringing peace and reconciliation among the families regarding murder or other conditions as a result of wrong customs and traditions). The children tribunal of the Appeal Court of Herat in its order number 26 dated 26.06.2012 has also

declared invalid the decision of a local council in Adraskan district of Herat province and the members of the mentioned council was prosecuted.

Answer to Question # 11:

59. Article 116 of the Constitution, has guaranteed the independence and impartiality of the judiciary. Based on this principle, the judiciary is obliged to impartially deal with all cases brought before the courts of Afghanistan. This principle has been reinstated in (arts. 2 and 8) of the Law on the Structure and Authority of the Judiciary.

60. This principle has been emphasized in the Regulation on the Code of Conduct for Judges and Judges are obliged for observing the standards that guarantee the individual and the organizational impartiality of the judiciary.

61. Judges are selected through a legal and transparent process. Law and Sharia Law graduates and people graduating from religious schools at the level of baccalaureate or above can apply for employment within the judiciary. After succeeding the entry exam and completing two years of theoretical and practical training, they will then start their services as judges in primary courts. The National Legal Training Centers (NLTC), supported by international community, has a crucial role in training of judicial students in Afghanistan.

62. Under a 10 year strategy of the State, the Judiciary in order to gain the trust of people to judicial system, has taken the bellow extensive efforts during the last few years:

63. The Judicial Procedure Simplification Commission established in 2008, and completed its program in 2012. Endeavors have been made to condense the process specifically in criminal cases to achieve two main goals simultaneously. First, to speed up the processing of a case, and second to securing human rights fair trial norms in the process of legal proceedings. These executive guidelines have been published and became available to all judges and courts in 2011.

64. For employment in the judiciary, there is no gender discrimination; academic eligibility and legal knowledge are the only criteria. Based on the Afghanistan's law, every judge, including men and women are independent and impartial in their judicial decisions and enjoys the same authority. During the last few years, allot of women enrolled in the judicial stage course through entrance exam, and after graduation serves as judges the same as men in the Afghan courts. Currently 217 women are working in various departments of the judiciary, including as consoler of penal tribunal, head of appeal court, head of the court, judicial member in appeal and primary courts and in professional agencies across the country as a judge or as a professional member. In addition, 67 other women are getting theoretical and practical training that rises the total number of women employed by the judiciary system as judges in 487. Furthermore, around 207 women are involved in administrative positions, despite the fact that from 1969 to 2005 this figure reached to 29 women only.

65. Strengthening the judiciary and ensuring its independence for the purpose of effective implementation of the law is the main and important goal of the judiciary. Considering the limited resources, the judiciary was based on the 5 year strategy defined in 2006, in order to achieve the above objectives prioritized strengthening the capacity of human resources through legal training. Therefore, it promoted the training course to the judiciary training course and considered two mechanisms which are short-term and long-term, in-job judiciary stage training courses.

66. Within the framework of Judiciary Training Institute, the Judicial Stage course was extended from one year to two years. During the past five years, admitted 921 graduates from Faculty of Law, Islamic Law, and government religious schools or equal to them from

which 605 of them were introduced to relevant courts in order to apply the rule of law after the two-year judicial training programme, while remaining 316 are currently in the course.

67. Most of the topics that have been taught in support of human rights, strengthening of judiciary, and ensuring its independence, include: Fundamental rights and human rights (1,344 teaching hours), Judicial Ethics (672 hours), the Rights of Children (512 hours), International Criminal Law (832 hours), Fair Trial Standards (928 hours), Criminal Law (1,664 hours), Criminal Procedure Code and the Law on Detection and Investigation of crime (768 hours), and the Defense Lawyers' Law (256 hours). During the last four years, The Judicial Education Center has been able to teach a total of 6784 teaching hours relevant to the above mentioned topics to all of the participants.

68. Furthermore, 1862 on-job short courses and workshop have been held in different provinces and in Judicial Training Center that covered about Criminal Procedure Code 2014 (1,494 hours) and other topics such as fundamental rights, human rights, women's rights, children's rights, judicial ethics, fair investigation, criminal law, replacement for imprisonment and fight against crimes of drug and money laundering (369 hours).

69. In order to enhance knowledge and experience of judges, the judiciary has paved the ground for the Afghan judges to study and assess the judicial systems of some other countries. During this period, via signing agreements with the Justice Ministry of Egypt, the judiciary has sent 95 judges to Egypt, South Korea and Turkey for receiving legal education and studying judicial systems of these countries.

70. The other action taken by the Judiciary was to reject the law of the Local Organs that was proposed by the government to limit the authority of the judges and make them accountable to the provincial and district governors. The judiciary rejected this law terming it a threat to the judiciary and its independence.

Answer to Question # 12:

71. Based on the enduring commitments of the government for fighting corruption, strengthening the rule of law and ensuring social justice in the structure of the State, the High Office for Anti-corruption (HOOAC) has been established.

72. The achievements of 2014:

73. In 2014 around 1842 complaints have been registered [at the HOOAC] through (phone calls, E-mails, complaint box, and direct petition of plaintiffs) out of the number, 982 cases after assessment was identified as cases of corruption which were referred to relevant agencies.

74. In order to provide awareness to government officials, the HOOAC has launched awareness Seminars in relation to anti-corruption and collecting information and complaints in 14 ministries and other governmental institutions. Around 431 government employees have benefited from these programs. The programs are still ongoing.

75. The HOOAC based on article 154 of the Constitution, article 6 of UN Convention against Corruption, article 12 of the law of the HOOAC, and article 10th of the presidential decree numbered 61 (18/03/2010) has started registering and reviewing the property of the highest ranking government officials as set forth in the laws. 972 property forms of the highest ranking government officials have been registered, 48 forms have been scrutinized and 25 forms are under work.

76. The government has approved the Law on Access to Information, and is determined to conduct some programs based on the International Convention against Corruption and the Law on Access to Information for the purpose of enabling the citizens to play an important role in accessing information related to natural resources of Afghanistan. The

Law on Access to Information which is designed by the governmental and civil society institutions will be promoted in the country in close cooperation of civil society organizations.

77. The Government of Afghanistan for fighting corruption, through judicial system has established especial courts to fight corruption. These courts could review and address 8,472 dossiers of corruption. Also the Judicial Court Office has been established in order to fight corruption inside the judicial system.

Answer to Question # 13:

78. Based on the presidential decree and Bone Agreement, Afghanistan Independent Human Rights Commission (AIHRC) was established and commenced its operation as a National Human Rights Institution in 06.06.2002. Article 58 of the Constitution forms the legal basis for the AIHRC and following the approval of the Law on Structure, Mandate and Authorities of the AIHRC in 2005; working area, objectives, authorities, duties and structure of the AIHRC was defined. The strategic objectives of the AIHRC as defined in its Strategic Plan and Action Plan (2010-2013) are: 1) Leadership 2) Education 3) Empowerment 4) Advocacy 5) Monitoring and Evaluation.

79. The number of the employees of the AIHRC reaches to 557 out of which 3.3% are women in program sections. In addition, a number of disabled persons have also been employed by the AIHRC.

80. Major achievements of the AIHRC:

- Establishment of 14 provincial, regional and central offices;
- Employing and training the required staff members in all mentioned offices; procuring and furnishing all offices with the required and necessary tools;
- Creating accepted monitoring mechanisms and approaches, documenting and reporting for the purpose of continuous monitoring of human rights violation;
- Preparing and publishing hundreds of statements and press conferences; and tens of research, thematic and annual reports in regards to various human rights violations of citizens;
- Advocacy for the victims of human rights violations, scrutiny of laws and inclusion of human rights concepts in educational curriculum of Police and Army;
- Initiating continuous capacity building programs with the huge presence of women;
- Monitoring of Detention Facilities, including Police Cells, Detention Centers, Prisons, Shelters and Child Correction Centers across the country for addressing human violations of detainees.
- Monitoring trial process, investigation of civilian casualties, monitoring election process, monitoring rallies and protests are among monitoring mandate of the AIHRC;
- Monitoring of official and non-official structures to ensure economic and social rights of citizens;
- Providing Conflict Mapping Report, as part of the responsibility of the AIHRC to implement the government action plan for Peace, Reconciliation and Justice in the country;
- Around five hundred thousand individuals have been trained and provided awareness in the field of human rights, 45% of whom were women.

81. The donor countries assist the AIHRC financially in accordance with the programs formularized in its strategic documents. The Afghan government allocated 500,000 USD in 2012, 1 million USD in 2013 and 44 million Afghani (around 800,000 USD) in 2014 to the AIHRC from the national budget.

82. Based on its legal authorities, the AIHRC regularly monitors the detention facilities to assess the condition of detainees and follow their cases in order to end torture and arbitrary detentions. The AIHRC through 1742 monitoring missions in 2012, covered all detention facilities across the country, and succeeded in ensuring the human rights of detainees. The findings of the monitoring were regularly shared with relevant organs which were used for information sharing and prosecution of the perpetrators of torture. The “Condition of Detention Facilities”, “The Motive for Torture in the Law Enforcement Agencies” and “Torture, Transfers, and Denial of Due Process: The Treatment of Conflict-Related Detainees” were among those reports. The above mentioned reports, besides providing specific recommendations to law enforcement agencies, have assessed the condition of detention facilities.

83. Providing awareness to law enforcement officials can play an important role in reducing torture and ill-treatment. During these sessions, besides supporting the human rights activities of civil society and government units, efforts have been put to create transparent mechanisms for human rights violation and human rights discussion. Educational materials, including a set of laws, conventions and treaties that the government is committed to follow on the prohibition of torture and arbitrary detention were provided to human rights units of police NDS and prison sections.

84. As a result of the formation of the SIT in the AIHRC and its recommendations to national and international institutions, the casualties relevant to the activities of the mentioned forces have considerably decreased. In March 2012, the research report on Torture, Transfers, and Denial of Due Process: The Treatment of Conflict-Related Detainees in Afghanistan, in which more than 100 detainees relevant to conflict in Afghanistan were interviewed have also been prepared and published by the SIT with the cooperation of the Open Society Foundation. The report covered a period of one year (Feb 2011-Jan 2012).

Answer to Question # 14:

85. The General Directorate of Human Rights, Women and Children Affairs is operating in the Ministry of Interior. The operation of the Directorate covers police districts in Kabul, 34 police headquarters at the provincial level, 34 prisons, “A” grade districts at different provinces, and some sections of the Ministry of Interior. A total of 461 staff members are working in the Directorate.

86. The staff members of the Directorate monitor the human rights condition of persons under police custody and in the detention facilities. This administration ascertains human rights violations and refers its perpetrators to judicial institutions. For instance, a person named Tawoos was beaten to death in a police cell in Kabul. The human rights staff members of the Directorate identified the perpetrators, arrested them and after due process, were tried in the courts. Furthermore, five police from Kandahar province and two others from Khost province were punished in connection with beating the suspects.

87. The MoI in coordination with the AIHRC conducts capacity building programs and monitor the detention facilities.

Answer to Question # 15:

88. The administration and responsibilities of Bagram Air Base prison were handed over to the Afghan government by the American forces in 2013. Afghan military forces are

currently monitoring and controlling this prison. A commission was assigned by the president of Afghanistan to investigate and identify the prisoners of this prison and finalize their legal proceedings. As a result of the investigation, some of the prisoners with no crime evidence against them were released, and some with criminal evidence against them, were referred to judicial system for legal proceedings. At the time of American control over the prison, the Afghan government had limited access to the prisoners. But, now the opportunity to monitor the prison is provided for the AIHRC and international organization defending human rights. In order to respect the human rights of the prisoners, the government is committed to observe the provisions of the international human rights conventions, in particular the Convention Against Torture.

89. In order to effectively and systematically monitor the detention facilities, the HRSU, the AIHRC and other human rights units in the ministries are continuously cooperating with civil society organizations. Some of these programs are supported by donor countries and some others are planned and conducted by the government. In the current condition that the international military forces are systematically withdrawing from Afghanistan, the Afghan government is responsible for administering the prisons.

90. After the collapse of the Taliban regime, the government commenced the rehabilitation of official structures and mechanisms. As a result of wars and conflicts, the evidence and numbers that could reveal killings and other inhumane treatments are not available. But, this is very clear that during wars, Taliban were also killed as a result of resisting the security forces.

Answer to Question # 16

91. The government has approved the Law against Abduction and Human Trafficking in 2008, to ensuring mutual international cooperation and coordination on fighting against abduction and human trafficking, respecting the provisions of UN protocols on human trafficking and the punishments of the perpetrators of crimes of abduction and trafficking in persons, are the goals of article 2 of the mentioned law.

92. Based on articles 4 and 6 of the Law against Abduction and Human Trafficking, the High Commission for Combating Crimes of Abduction and Trafficking in Persons was established. Any person who abducts another person by threatening, using of force or any other type of intimidation or by using of intoxicating substances; any person who abducts another person fraudulently and by deceit; any person who abducts another person by using his/her psychological and physical disability; any person who exchange a new born baby with another new born baby in any ways; any person who leave a child in a non-residential place; any person who takes away or hide a child from his/her legal guardians or falsely relate him/her to a person other than her/his mother, in accordance with circumstances the perpetrator shall be sentenced to not less than 12 years in prison.

93. Articles 7, 8, and 18 of this law, subject the main offenders of exploitation to aggravating conditions; supporting the victims, it states: If the victim of abduction is exploited through employment to sexual activities and provision of sexual oriented pictures and movies (pornography), or if the victim of abduction is exploited through employment to armed conflicts, forced labor, medical examinations and other illegal activities, the perpetrators of the above crimes shall be sentenced to severe punishment and aggravating punishment conditions are anticipated [in the law].

94. Articles 19, 20 and 21 of this act, obliges the discovery and investigation authorities (police and prosecutors) to send the victim to the health centers as soon as possible for treatment. The victim or his/her legal representative has the right to submit an application to the judicial authorities for redress and damages inflicted on him/her. If the victim is a citizen of Afghanistan and is transferred to a foreign country, they are eligible to be

supported and has the right to contact and refer to the consulate or diplomatic representative of the country abroad. The consulate or diplomatic representative of the country is duty-bound to put all efforts for prosecution of the suspect and redress of the victim through the Ministry of Foreign Affairs of the related country or its diplomatic representative.

95. Moreover, the Ministries of Interior, Foreign Affairs, Public Health, Labor and Social Affairs, Martyrs and Disabled, Women Affairs and other involved administrations are bound to support the victim and take all necessary measures in returning the victim to her/his family or a safe place. If the victim is a citizen of a foreign country, he/she shall be handed over to his/her country diplomatic representative.

96. The MoI has taken the following measures to prevent and combat the trafficking of men, women and children:

- Holding awareness seminars for the victims of trafficking;
- Analyzing and evaluating the root causes of human smuggling and;
- An awareness campaign to all police (all rankings) in order to find out human traffickers;
- Capacity building of professional police in fight against human trafficking;
- Fighting against the factors of human trafficking;
- Developing regional and international cooperation to effectively combat traffickers;
- Coordinating and exchange information with private and international detective and security institutions for identifying the traffickers;
- Take operative and detection measures to prevent human trafficking;
- Increase the human trafficking combat personnel in Kabul, province and airports;
- Provide support to the victims of human trafficking, especially women and children;
- Preparing long-term plans to combat the heinous phenomenon of human trafficking;
- Controlling airports, ports and borders for preventing human trafficking;
- Identification of 3,000 cases of counterfeiting such as photo-changed passports from different countries in Kabul International Airport who were trying to transfer at least 10,000 victims abroad.
- A total of 349 cases that include 3,972 victims of human trafficking are as follows: 139 adult females, 260 under age females, 2,467 adult males, 815 under age children who were to be transferred to Iran and Pakistan. From the above mentioned figure, 296 individuals were the citizens of Nepal, India, Philippine, and et who are arrested in connection with human trafficking. In addition, 43 traffickers were from Sri Lanka and Afghanistan; and 13 children who were deported from Saudi Arabia have been handed over to their close relatives.

97. It should be mentioned that due to the financial problems, the MoI has no redress mechanism. However the government has the willingness to introduce such a system in future.

Answer to Question # 17:

98. Article 22 of the Afghan Constitution has forbidden any kind of discrimination and distinction between the citizens of Afghanistan. The citizens of Afghanistan, man and woman, have equal rights and duties before the law. Following the Constitution, to combat

all forms of violence against women, the Law on Elimination of Violence against Women was enacted by the President of Afghanistan in 2010.

99. According to articles 8, 9, 10, 11, 12, and 13 of the Law on Elimination of Violence against Women, ministries of Women Affairs, Haj and Religious Affairs, Education, Higher Education, Information and Culture, Justice and Interior in cooperation with other governmental and non-governmental agencies shall take preventive and protective measures in order to prevent violence against women.

100. To increase public awareness of their rights and duties [through] conducting seminars, workshops and conferences and identification of cases of violence and its consequences; providing awareness on the rights of men and women through mosques regarding the prevention and elimination of violence, are the issues mentioned above for which necessary measures shall be taken.

101. Regarding the protection of the victims of violence against women, the regulation of protection centers has been adopted in light of articles 8 and 16 of ERAW law. The main objectives of the Law are: Accessibility of the victims of violence to a safe residential place, providing physical and psychological support to woman affected by violence or subjected to violence; ensuring safety of the woman affected by violence or subjected to violence; providing support to the woman affected by violence or subject to violence to access justice; coordinating the activities of governmental and non-governmental protection centers; providing food and clothes to women living in the protection centers; psychological rehabilitation of the victims affected by violence and assisting women affected by violence or subjected to violence to be self-sufficient.

102. Based articles 9 and 10 of this regulation, in order to coordinate and consolidate the activities of protection centers, a coordination committee shall be established under the leadership of program deputy minister of MoWA.

103. Based on articles 11 and 12 of the Regulation on Women Protection Centers, woman affected by violence or subjected to violence shall be protected in the Protection Centers under the following conditions: a woman who is forced to leave the house as a result of facing violence; a woman affected by violence or is subjected to violence; a teenage girl whose mother is in prison and has no safe residential place; a woman who is released from prison or Juvenile Rehabilitation Centers who does not have any residence, until she is handed over to her family or relatives; and an Afghan woman who is deported from foreign countries and does not have relatives or residential place in Afghanistan.

104. Whenever an affected woman set forth in paragraph 1 of this article has a baby boy, the baby shall be kept with her in the Protection Center up to completion of age of 7. In this case, the Protection Center shall provide a special support center (Kindergarten). In accordance with the above mentioned articles, the affected woman shall be accepted in the Protection Centers upon her arrival; the governmental and non-governmental Protection Centers shall accept the victims 24/7.

105. According to articles 14 and 15 of the Regulations on Women Protection Centers, the following: relatives, legal institutions, police, prosecution, court, AIHRC, Afghan Women Network, colony elder and a village elder.

106. Woman under protection can leave the Protection Center under the following conditions:

107. The application made by legal intimate, relatives or family members with her consent, when the mother is released from prison, when there is no more danger or threat to her life, when she marries, when she completes her education or when she is employed and when she have access to a safe residence.

108. According to article 17 of the Regulation, the Protection Centers have to provide women under protection the following services in order to help them return to their normal life: resolving the problems through mediation, providing psychological, legal and religious consultations; providing legal advice through legal and judicial institutions, helping them find jobs, shelter and to form a family. Based on articles 18, 19, 20, 21, 22, 23 and 24 of this Regulation, providing food, accommodation, literacy programs, health services and non-disclosure of the secrets of women under protection, are also part of the responsibilities of women's protection centers.

109. Articles 2, 4 and 5 of the Law on Elimination of Violence against Women, have addressed the followings: protecting women who are victims of violence, criminalization of violence against women and anticipation of punishment for the perpetrators of violence against women.

110. Rape, forced prostitution and recording the identity of the victim and publishing it in a way that damages her personality, burning or using chemicals or other dangerous substances, forcing to self-immolation or to commit suicide or using poison or other dangerous substances, causing injury or disability, beating, selling and buying women for the purpose of or on the pretext of marriage, giving to BAAD, forced marriage, prohibiting from the right of marriage or the right to choose spouse, underage marriage, verbal abuse, humiliating, intimidating, harassment and persecution, forced isolation, forced addiction to drug, prohibiting to access personal property, prohibiting from the right to education, work and access to health services, forced Labor, marrying more than one wife without observing article 86 of the Civil Code, and denial of sexual relationship, are the provisions of this law.

111. Based on the articles, 927 dossiers have been addressed in the Afghan courts during 2013-2015.

112. The Penal Code enacted in 1977 supports women, and also supports prevention of abortion in case of disagreement of the pregnant woman, and based on the provision of article 402 of the Penal Code, a person who intentionally causes the pregnant woman to suffer miscarriage by beating or any other harmful means, the perpetrator shall be sentenced to long-term imprisonment not exceeding 7 years.

113. The strategy of the judicial agencies has also considered serious stance of all judicial institutions against violence against women and a strong leadership in promoting and increasing awareness regarding the criminalization of violence in general and particularly violence against women.

114. Based on article 6 of the EVAW Law, the victim of violence has the following rights: Prosecuting the offenders of violence based on provisions of the law; having access to protection centers, safe house or other safe places with the consent of the victim; having free access to emergency health services; having access to defense lawyer or legal aid; redress for damages caused from the act of violence; confidentiality of the case; and other rights which have been anticipated in the legislative documents for the victim.

115. The law on Elimination of Violence against Women, Family Law, the Law on Children's Custodianship, policy on improving the access of imprisoned women to justice, Regulation on Women Protection Centers, Policy on Women's Participation and Role in the Elections, proposal on compulsory registration of marriages in the Supreme Court, proposal on establishment of a special court of elimination of violence in the Supreme Court, collecting and unifying the first report on the implementation of the Law on Elimination of Violence against Women in accordance with the Tokyo commitments; and working on the strategy of the law Elimination of Violence Against Women.

Answer to Question # 18:

116. Article 94 of the Shiit Personal Status Law in this regards states, the legal age for marriage is completion of 16 years for girl and 18 years for a boy. Maturity and marriage interests could be ascertained by guardians [of parties] even before the mentioned age in the court.

117. Paragraph 1 of article 95 of the same law states that marriage enforcement of a virgin girl is subject to the consent of her and her guardian's permission. [Based on] paragraph 2 of Article 95 of the law, the proof of following by a virgin girl before the court can subvert the permission of the guardian.

- Whenever permission of the guardian is impossible to get or too difficult to get, and she is in need of marriage;
- If a guardian is daffy;
- If the guardian is a non-Muslim;
- If the guardian prevents her to marry the one who customarily and religiously is her match and there is no other match for her and she is also in need and interest;
- Ethnicity, nationality, race is not a matching criteria; Muslim is a match for Muslim.

118. According to article 128 of the Shiite Personal Status Law, the existence of the following defects before or after the marriage with husband, gives the right to the wife for terminating the marriage: 1. Impotency, 2. Penis cut (mutilated penis), 3. Castrated, 4. Permanent or periodic insanity. In contrast to this article, according to article 129 of the Shiite Personal Status Law, the following defects in the wife before marriage, gives the right to the husband for terminating the marriage, in case if the husband has not been informed before the marriage. 1) Vaginal defects, 2) Anal Passayes, 3) Madness, 4) Leprosy, 5) Black Leprosy, 6) lameness and wobble, 7) The blindness of both eyes.

119. The law on elimination of violence was endorsed by the government as the legislative decree in order to defend the honor and personality of women. Violence against women, non-implementation of laws, poor culture, ignorance, illiteracy, low awareness about religion and some other issues have been the factors for continued violence against women. The most common types of violence against Afghan women are: rape, forced prostitution, burning or using chemical substances, recording the identity of the victim and publishing it to damage her personality, self-immolation and suicide, injury and disability, beating, Selling and buying women for the purpose of or on the pretext of marriage; giving to Baad; Forced marriage; prohibiting from the right of marriage or right to choose spouse; underage marriage; verbally abuse, humiliating, intimidating; harassing; exchanging with animals, land or cash money, forced isolation; forced addiction to drugs; depriving from inheritance; prohibiting to access personal property; forced Labor; marrying more than one wife without observing legal conditions; and denial of sexual relationship. In this Law, rape or sexual assault has been termed crime for the first time, which itself is a great change in prevention of violence against women.

120. In order to proceed and address the cases of violence against women, the cases are being registered in the capital as well as in the provinces to legally proceed them, concrete measures have been taken by the government like providing legal consultations, providing free legal services, supporting and protecting victims in the Protection Centers, conducting family coordination meetings with judicial institutions and health centers.

121. The government of Afghanistan has designed the National Action Plan for Women of Afghanistan (NAPWA) which was implemented after being signed by the president in 2008. The main focus of the plan is on security, governance, rule of law and human rights, economics and social development.

Answer to Question # 19:

122. Articles 33 and 34 of the laws on the Elimination of Violence against Women states, a person who prohibits a woman getting her portion of inheritance, in addition to restoring her legal share, a person who possesses personal property of a woman or prevents her from acquiring it, is entitled to punish.

123. Article 17 of this law states, if a person rapes an adult woman, the offender shall be sentenced to the continued imprisonment in accordance with the provision of Article 426 of the Penal Code, and if it results in the death of the victim, the perpetrator shall be sentenced to the death penalty. If a person rapes an underage girl, the offender shall be sentenced to the maximum continued imprisonment, according to the provision of Article 426 of the Penal Code, and if it results in the death of the victim, the perpetrator shall be sentenced to death.

124. Articles 18, 19, 20, 21, and 22 of the law on the Elimination of Violence against Women, if a person forces an adult woman and an underage woman into prostitution, burns a woman or beats and lacerate her, he/she is entitled to punish.

125. Articles 29, 31, 32, and 35 of this law states, if a person verbally abuses, humiliates or intimidates a woman, or forces her to isolation, or forces to drug addiction, or prohibits her from the right to education, labor, accessing health services, or prohibits her from using other rights set forth in the law, taking into account the circumstances, the perpetrators shall be sentenced to short term imprisonment 3-6 months.

126. Article 30 of the law on elimination of violence against women states, if a person harasses a woman by using his authority and position, the offender considering the circumstances shall be sentenced to short term imprisonment of not less than 6 months.

127. Articles 402 and 407 of the Penal Code supporting pregnant women, prohibit beating and injuring a woman that may result to disability and entitle the perpetrators to punishment.

128. In Articles 424, 427, 430, and 433 of the Penal Code, there are provisions regarding women support which is as follows: Determine the penalty for the person who kidnaps a woman and then sexually harass her or rapes her. Prohibition of instigating an underage person to delinquency and debauchery. Prohibiting verbal abuse over the phone or via written letters for damaging the personality and honor of a person. Determining punishment for those who reveal the life secrets of others through newspapers, pictures and posters.

129. The Afghan labor law in order to protect and keep the women away from being harmed, has anticipated some provisions as stated in articles 120 to 125, providing support for pregnant women during duty, un-employing pregnant women to physical, heavy, and harmful to health works, not assigning pregnant and nursing women for overtime working or travelling, establishing nursery and kindergarten for the children of the working women.

130. In order to proceed the cases of violence against women, in accordance with the EVAW Law, the High Commission on Violence against Women and Office of Prosecution for combating violence against women have been established in the capital and provinces and hold regular monthly meetings. According to the report of the Attorney General Office, a total of 10,070 cases of violence against women have been registered from 2009-2014, and have been addressed in accordance with the EVAW Law. From the above mentioned figure, 2,735 cases have been sent to relevant courts and *Hoqooq* and 7,134 cases in accordance with paragraph 2 of the EVAW law have been preserved. Some of the cases for which the Office of Prosecution for combating violence against women was not authorized to evaluate, were resent to their relevant agencies.

131. In order to register the violence cases, the government has created a database that registers violence cases systematically. According to this database, in 2013, a total of 665 violence cases were registered in the General Directorate of Human Rights and Women Affairs out of which 133 cases have been referred to the relevant prosecution office, and 106 cases are under police surveillance, 393 cases are under police investigation and 33 more have been resolved by tribal elders. During 2014, 717 different cases against women in registered in database, so 478 cases referred to Attorney General Office, 207 cases to Detective Police, 20 cases have been addressed by elders, 3 cases referred to MoWA, 4 cases referred to MoJ, and 4 cases referred to Legal Department.

132. In order to prevent harassment of female employees and providing a better working condition for them, the government has issued orders # (055), (123), (018) and (23), which are the basis for the monitoring policies.

133. In connection to protecting human rights, especially women's rights, the orders # (0112), (0117) and (0169) have been issued by the government officials. Based on these orders, the hotline 119 and 100 were activated to receive complaints of human rights violation committed by police.

134. The following policies have been developed to protect human rights: international humanitarian policy 2012; Security policy of prisons and detention centers 2013; policy on the rights of prisoners and detainees 2013; employment policy for prisoners 2013.

135. To promote women's role in peace and security, the government has prioritized the United Nations Security Council Resolution 1325 and has prepared the National Action Plan.

Answer to Question # 20:

136. According to article 25 of this ERAW Law, if a person marries or is given in marriage a woman under Baad, considering the circumstances the offender shall be sentenced to a long term imprisonment, not exceeding 10 years.

137. In the situation mentioned in paragraph 1 of this Article, taking into account the circumstances, the persons involved [in marriage] (witness, marriage representative, conciliator and AQID (one who weds the couple)) each shall be sentenced to medium-term imprisonment, and based on the request of the victim and in accordance with the provisions of the law the marriage contract shall be revoked.

138. In accordance with article 26, if a person engages or marries a woman who has attained the legal age of marriage without her consent, considering the circumstances shall be sentenced to medium-term imprisonment of not less than 2 years and the marriage or engagement shall be revoked in accordance with the provisions of law.

139. Article 37 states, a person who marries with more than one woman without respecting the provisions of Articles 86 and 89 of the Civil Code, considering the circumstances, he shall be sentenced to short-term imprisonment of not less than 3 months.

140. Articles 27 and 28 of ERAW state, if a person prohibits a woman from marriage or deprives her from choosing her spouse, taking into account the circumstances the offender shall be sentenced to short-term imprisonment, and if a person marries a woman who has not attained the legal age of marriage without considering Article 71 of Civil Code, the offender considering the circumstances shall be sentenced to medium-term imprisonment of not less than 2 years, and based on the request of the victim the marriage shall be revoked in accordance with the provisions of law.

Answer to Question # 21:

141. During the previous years, a number of women were arrested, accused of fleeing/escaping from home by police and were put under prosecution. Following the situation, the civil society asked the Judiciary to clarify whether fleeing from home as a result of family violence is considered a crime or not and what legal consequences will it have? The Judiciary after consultation with the High Commission for Coordination of Judicial Organs approved as follows:

There is a difference between committing a crime and fleeing from home. A woman leaving her home as a result of family violence or for the purpose of escaping the violence and takes refuge in legal and judicial organs, legal services organizations or relative's home; the condition shall not be deemed a crime. But, whenever she leaves her home for other purposes (committing a crime) or committing morally prohibited crimes, then it shall be criminalized and the case shall be prosecuted. In this case, the expression "fleeing from home" or "leaving the home" shall not be referred to as a crime, the crime shall rather be clarified and referred to accordingly as it is committed.

142. Following the approval of the matter, the Judiciary informed all the courts and prosecutors through an official letter and obliged them to respect and implement it.

Answer to Question # 22:

143. Article 17 of this law anticipated punishment for a person who sexually assaults an adult or under age woman. Punishment is also considered for a person who forces an adult woman or an underage girl into prostitution, according to article 18 of the law.

144. Article 427 of the Penal Code also supports women and sentences the offender to long-term imprisonment who subjects a woman to adultery or sodomy, and anticipated aggravating conditions in the following cases: if the victim is under eighteen years old; if the victim is a married woman; if the offender is mentor, teacher, or servant of the victim; or the offender has authority or influence over the victim; in case the offender is the 3rd degree relative of the victim; in case the offender deflowers the victim; in case two persons are involved in the crime and in case the victim becomes pregnant.

145. Special Prosecutions of Elimination of Violence against Women across the country are bound to investigate and prosecute the perpetrators of violence against women. Besides that, pederasty is deemed a crime too; hence all prosecutions in the capital and provinces are obliged to prosecute the perpetrators based on provisions of law.

146. In September 2014, the AIHRC published a report regarding Pederasty as a human rights violation and provided recommendations to the government. The government, along with the AIHRC and civil society institutions intend to conduct specific programs across the country to eradicate this heinous phenomenon. The program contains public awareness, security monitoring and protection of victims.

Answer to Question # 23:

147. The Afghan legal system has determined specific legal framework for extradition of persons accused of crimes in foreign states. The legal and judicial bodies are obliged to act according to the mentioned legal framework. This legal framework can be summarized as follows:

1) According to article 28 of the Constitutions, no citizen of Afghanistan accused of a crime shall be extradited to a foreign state without reciprocal arrangements as well as international treaties to which Afghanistan is a party. No individual of the nation of

Afghanistan shall be deprived of citizenship. No Afghan shall be deprived of citizenship or sentenced to domestic or foreign exile.

2) The law on the structure and authority of the Judiciary: according to paragraph 4 of article 31 of this law, the High Council of Supreme Court has the following duties in the judicial section:

- Paragraph 4: deciding on returning a foreign citizen who is suspected or accused of a crime to his/her own country in accordance with the provisions of law;
- Paragraph 5: deciding on extraditing a foreign citizen who is suspected or accused of a crime to his/her own country in accordance with the provisions of article 28 of the Constitution.

3) The law on extradition of the accused and convicted persons and judicial assistance: This law has been approved in 2013 in accordance with article 28 of the Constitution and published in official gazette 1103 dated 05/07/2013. The law defines specific and detailed framework on which measures shall be taken regarding the extradition of the accused persons in connection to committing crime in foreign states.

148. For the extradition of accused and convicted persons and judicial cooperation, the government has signed agreement with Iran, United Arab Emirates, Russia, and Tajikistan.

149. In the legal system of Afghanistan, Judiciary, Ministry of Justice, Attorney General Office, Police and the Ministry of Foreign Affairs are responsible to implement the mentioned legal framework. Therefore, based on Presidential Order (1251) 27/09/2015, the government has established an inter-ministerial committee from the above entities to follow and to apply the agreements correctly.

Answer to Question # 24:

150. Retention and detention of prisoners is the responsibility of the General Directorate of Prisons and Detentions of MoI, judicial bodies are in-charge of investigation and prosecution of the cases of the prisoners and detainees. When the final court issues the verdict regarding a criminal case the case shall be closed, and in that circumstance, there is no motive for the personnel of the prisons to torture the prisoners. The doors of the prisons are always open towards the AIHRC and they continuously monitor the human rights situation of the prisoners, and no torture case has yet been reported by the AIHRC.

151. The MoI respects the provisions of laws: articles 27-31 of the Constitution, article 257 of the Penal Code, paragraph (04) of article 5 of the Interim Criminal Procedure Code, article 25 of the Police Law, article 3 of the law of prisons and detentions, article (05) of the Universal Declaration of Human Rights and the International Convention against Torture. And, monitors and controls the human rights situation of prisons and detention centers.

152. Additionally, in order to prohibit torture, respect human rights norms and prevent human rights violation, the MoI has issued orders 112, 117 and 169 to all police rankings. The implementation of the Orders is controlled and monitored regularly.

153. During military operations against terrorist groups – in which foreign citizens are too – they resist the security forces at the time of their arrest. The security forces in that situation resort to use of force and tough treatment. But, after the arrest, during prosecution, they shall not be tortured and shall be treated based on the laws of Afghanistan. After being assessed by the relevant prosecutor, the courts will decide on their extradition to other states.

Answer to Question # 25:

154. Extradition of criminal and transfer of prisoner to other states shall be based on the mutual agreements considering the international conventions. If an accused or a criminal is decided to be extradited to the requesting state, Afghanistan will make sure that the requesting state is party to the Convention against Torture or is not accused of torturing the accused and criminals. A letter guaranteeing that torture and inhuman treatments will not be inflicted on the extradited criminal or prisoner shall be obtained from the requesting state.

155. Afghanistan has signed mutual agreements on extradition of prisoners with Russia, Tajikistan, Iran, and United Arab Emirates (UAE). Based on the agreement, a written consent letter of the prisoner in connection to his/her extradition to his/her country; finalization of the legal proceedings and demand of his/her transfer by the relevant organizations of the legitimate state, are the main conditions of the mutual agreements.

Answer to Question # 26:

156. No extradition of Afghan citizens to foreign states has happened during 2013. Regarding the foreign citizens who committed crime in their legitimate states and then escaped to Afghanistan: In 2013, three cases have been requested by the Islamic Republic of Iran, and one by the United Kingdom, which are still pending. The request was sent to the relevant institutions.

157. Regarding the foreign citizens who committed crimes in Afghanistan and then convicted to imprisonment, the government in accordance with the mutual agreements that were signed with Russia, Tajikistan, Iran and the UAE government has carried out the bellow transfers in 2013.

158. A total of 31 citizens of Iran who were arrested following various reasons, were transferred to Iran.

159. Nine citizens of Tajikistan who were arrested following various reasons, were transferred to their country.

160. In order to remain committed to international conventions, based on written consent of the prisoners and the request of their states, in 2013 Afghanistan has also transferred the citizens other states without having mutual agreements with them on extradition of prisoners: a citizen of Bangladesh, a citizen of Nepal, a citizen of South Africa, a citizen of Iraq, and a citizen of Turkey who held France citizenship.

161. Following the disagreement of some other foreign citizens to be returned to their countries, they were not extradited. They have applied to seek asylum in other countries. The Afghan government introduced them the International Red Cross Committee in Afghanistan as follows: three citizens of Kirgizstan, seven citizens of Iran, one citizen of Iraq, and one citizen of Tajikistan.

Answer to Question # 27:

162. According the Penal Code of Afghanistan, torture of persons by public servant whether for obtaining confession or information, is considered a crime. As per severity of torture the perpetrator shall be sentenced to various punishments terms of 1-15 years imprisonment. The perpetrator shall be sentenced to death if the accused dies as a result of torture; or cash fined in accordance with articles 275-278 of the Penal Code, Therefore, committing torture crime shall be prosecuted the same as other crimes. If the perpetrator is outside the country, thus Afghanistan according to the international law and mutual agreements will try to pursuit those people.

163. Articles 19, 20 and 21 of the Penal Code, with exception of the cases included in articles (6 and 7) of this law, a person who proves that the foreign state courts have acquitted him in connection with a crime or that he has served the imprisonment term, or that crime charge has been dropped shall not be criminally charged again.

164. The period of imprisonment term that the accused or convicted person has spent outside Afghanistan as a result of the application of criminal charges, shall be deducted from the duration of the punishment to which the person will be sentenced to.

165. According to article 4 of the Law on Combating Terrorist Crimes, if a citizen of Afghanistan or a citizen of a foreign state or a stateless person commits the offenses mentioned in this Law under the following circumstances, the provisions of this Law shall be applied to him/her:

166. If the offense is committed in the territory of Afghanistan or against a citizen of Afghanistan or other individuals residing in Afghanistan, against an aircraft registered in Afghanistan or inside a ship carrying Afghanistan's flag or against the diplomatic facilities of Afghanistan.

Answer to Question # 28:

167. Considering articles 1, 4 and 6 of the law on Extradition of the accused and convicted; and judicial cooperation in handling issues related to extradition of accused and convicted; and judicial cooperation in proceeding the criminal cases between the Afghan government and foreign states. Proceeding criminal cases shall be based on the mutual agreements and reciprocal actions. The extradited person shall only be investigated or tried in regard to the enforcement of imprisonment punishment or the crime for the committing of which his extradition is requested. According to article 7 of this law, a woman or a child who is the citizen of Afghanistan or foreigner without nationality shall not be extradited to foreign countries. In accordance with article 8, submitting a foreign citizen to a third state, shall be based on the agreement signed between Afghanistan and his/her legitimate state. Article 11 of this act, extradition request of a defendant for investigation or trial shall be accepted under the following conditions:

168. The crime for which the extradition of its suspect or accused is requested, shall be included in the agreement.

169. The act should have been considered a crime in the laws of Afghanistan and the foreign state, for which the punishment shall exceed one year imprisonment in the laws of both the states.

170. Respecting the Covenant on Civil and Political Rights and the Convention against Torture in respect to a person whose extradition has been requested at the time of investigation and trial.

171. Information sharing agreed during the investigation and trial process and any changes occurred to the extradited person.

172. Avoid re-trying the person, whose extradition has been requested in connection to committing the crime for which the final verdict of the court has already been issued.

173. For more details, please refer to the provisions of the Agreements signed between Afghanistan and U.A.E, Russia and Republic of Tajikistan, Annex 5.

Answer to Question # 29:

174. The government through human rights units of the MoJ, MoI, MoD and the AIHRC have conducted awareness programs with respect to human rights concepts, especially the convention against torture to the staff of the law enforcement agencies, the Ministry of

Women Affairs and Ministry of Public Health. The programs are not sufficient to deal with vast human rights problems. The government intends to promote such programs in all governmental administration through human rights structures in the country.

175. In late 2013, after the release of UNAMA Report on torture, which was later approved by the Fact-finding Commission appointed by the president, the president issued a decree on the prohibition of torture. Accordingly, the president issued a 12 article decree in connection to the implementation of the recommendations of the Fact-finding Commission and ordered all relevant governmental institutions to take serious measures regarding torture and ill-treatment of the prisoners. Those committed torture, shall be prosecuted. The first article of the decree asked all responsible agencies to evaluate, finalize the cases of the accused and submit them for prosecution. In another section of the decree, it ordered that, in order to prevent ill-treatment of the prisoners, security cameras shall be installed in the prisons.

Answer to Question # 30:

176. The AIHRC following its continuous monitoring of prisons and detention centers, records and registers torture cases and follows them up. In addition, AIHRC considers the awareness programs very vital; in many cases, it has been noticed that a law enforcement official is not aware of torture being prohibited by law. Hence, the prohibition of torture in accordance to national and international laws, and relevant international conventions has been included in educational and awareness packages and shall be regularly taught according to the strategic plan and action plan of the AIHRC for police, staff of the prisons (men & women's prisons) Juvenile Rehabilitation centers, judges, prosecutors and other relevant bodies across the country. However, no measures have yet been taken regarding the implementation of the Guideline of Researching and Documenting Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment (Istanbul Protocol).

Answer to Question # 31:

177. For reforming the education programs of the prisoners; observing the civil rights of the prisoners and treatment of prison personnel with detainees, measures have been taken to address physical and psychological health of the prisoners. The prosecutors are continuously monitoring the detention facilities. In 2013, the military deputy of the Attorney General's Office has monitored the detention facilities 890 times and held 584 joint meetings with the personnel of the prisons for the purpose of improving the activities of the prisons, and conducted 115 legal seminars. Furthermore, warrants and orders have also been issued on monitoring the rights of prisoners and detention centers. In relation to the description of laws, 1,409 legal consultations have been conducted with the officers of the prisons that covered around 66,882 beneficiaries; the Attorney General Office considers this act as part of its main duties and activities.

178. Regarding the cases of misusing authority, the surveillance organs assigned by the fact-finding commission as per the presidential decree # 129 dated 15/02/2013, based on complaints received from victims, have referred 52 cases of misuse of authority to relevant organs for prosecutions. However, as per information received from the Prosecution on Combating Internal and External Security Crimes and the Directorate of Ant-corruption, the Military Deputy of AGO found the claims baseless and as a result of lack of evidence for proofing the crimes, the cases have been dropped.

Answer to Question # 32:

179. Every province of Afghanistan has one central prison with separate sections for men and women. Except for Nuristan province, Juvenile Rehabilitation Centers are active in all 33 provinces of Afghanistan. There are 220 active detention centers in the country. The

rapid increase in the number of prisoners in central and provincial prisons, resulted in shortage of space for a number of prisoners and detainees. The prisons, which in some case do not meet accepted standards are not enough to meet the requirements of the increasing prisoners. However, reports have been repeatedly sent to the relevant institutions in connection to this issue. Due to the increasing number of prisoners in the prisons of capital and provinces, there is no any other option, to keep the prisoners in separate spaces. Due to lack of budget, especially in constructing new prisons, the MoI faces problems to respect the UN Minimum Standards for Prisons. The government intends to prioritize these problems and construct new prisons in accordance with the accepted standards.

Answer to Question # 33:

180. In Afghan laws, alternative to imprisonment has been anticipated. The General Penal Code has also adopted deferral as one of the substitutions to imprisonment. According to the Criminal Procedure 2014, the legal framework of substitutions to imprisonment has been prepared. It has been tried to not use the substitutions to imprisonment for some persons (art. 325-329 Criminal Procedure 2014).

181. In this law, the substitution for imprisonment includes working in social service provider institutions outside the prison for the prisoners who are not government employees, and work in government organizations for those who are government employees. Applying this substitution would be based on prisoner's request and order from Minister of Justice. For other issues relating to social services, the MoJ will introduce a regulation. Working the government institutions has been considered in this law for the prisoners who are government employs.

182. The Law on Juvenile Justice has also anticipated this issue in its articles 8, 20 and 40.

183. With regard to the use of alternative to imprisonment, due to specific situation in Afghanistan it has not been used for a long time. However, as this issue is related to MoJ, so it has taken some practical measures for preparation of a regulation in this regard. Therefore, based on the oral interviews carried out by the judges of different courts, such punishments are mostly used for children. With regard to adults, in rare cases only in trafficking crimes the alternative to imprisonment were opted.

184. There is no information available on the usefulness of alternative to imprisonment because the preparation regulation has not been finalized yet, the result would be after the implementation of the regulation and its future assessments.

Answer to Question # 34:

185. In order to raise the awareness of the prison and detention centers, personnel, short-term training courses on professional leadership and executive skills have been conducted. The MoI has developed the action plan in connection with treatment of police with prisoners and detainees and how to continuously monitor.

186. In 2013, due to violence in some of the prisons that led to physical conflicts among the prisoners, as a result of which a number of prisoners were wounded from both sides, the case was sent to for prosecution.

187. The case of a prisoner named Zahir being beaten by police in Faryab prison, the case was sent for the prosecution and the director of Faryab prison was punished.

188. The prison of Faryab province and Pul-Charkhi prison, are the two prisons where violence cases with injuries were reported. Following the intervention of the police, security has been restored to the prisons. The cases were sent for the prosecution and the perpetrators were punished accordingly.

189. In order to reduce violence in prisons, a strategy has been developed by the MoI in accordance with Article 10 of the Law on Prisons and Detentions. Necessary punishment has been anticipated for the violators. If the perpetrators of such violence are police or prison personnel, they shall be punished based on this law, and shall be dismissed from work too.

Answer to Question # 35:

190. In order to follow up the implementation of all the conventions to which Afghanistan is a party, including the Convention Against Torture, the Human Rights Support Unit of the Ministry of Justice intends to develop human rights indicators in accordance with the provisions set forth in the conventions. And, assess the mentioned indicators through specific questionnaires in relation to the implementation of any of the provisions set forth in the conventions.

Answer to Question # 36:

191. Based on Afghan laws, the prosecution office and court is obliged to immediately, effectively and impartially proceed and address all the allegations of torture and ill-treatment, and prosecute all those involved in such cases. They are also obliged to issue necessary punishments in accordance with articles 275 and 278 of the Penal Code.

192. Based on Criminal Procedure Code 2014 (art. 9), in the forgery that are considered as crime, it necessitates the presence of lawyer, and its aim is to prevent the abuse and treatment that are against the law. Also for more transparency in criminal procedure, the government has established the management system of cases in 2011 that covers 28 provinces so far. The main purpose of this system is transparency in criminal procedure and courts and to prevent and illegal imprisonments. Also the government has provided access to prison for civil society and human right entities (such as AIHRC, ICRC). The NDS has established Human Rights Units in 20 provinces in order to prevent ill-treatment and torture in its detention centers.

Answer to Question # 37:

193. The government by using the provisions of the Fourth Geneva Conventions on respecting the International Humanitarian Law and for the purpose of reducing civilian casualties, has launched the following programs.

- Forming coordination commissions between the Afghan security forces and the International forces, especially NATO. The Commissions have been conducting coordination meetings from 2009 up to now on international terrorism in Kabul and other provinces, as a result some useful mechanisms have been developed and implemented. Based on these mechanisms, the Afghan National Army, Police and National Security Forces provide comprehensive reports regarding the reduction of civilian casualties in the Security Council of the Afghan government and the Commander in Chief of the security forces.
- The process of security transition from the international forces to local forces which was started in 2010 has come to a successful end in 2014. The process brought a considerable reduction in civilian casualties. The Afghan security forces have been told to keep on continuous discourses in relation to the reduction of civilian casualties with the residents of the areas where the military operation is carried out.
- Conducting regular consultative conferences for reducing the civilian casualties among the security forces, including the Afghan National Army, National Police and National Security Forces. The consultations were very important and positive in

improving the situation, especially awareness about the human rights values and the international humanitarian law.

- The International Red Cross, Afghanistan Independent Human Rights Commission, the Civil Society & Human Rights Network of Afghanistan (CSHRN) and other human rights organizations were able to monitor the situation of war victims and share their viewpoints with the Afghan government. Constructive dialogues in relation to this issue have been conducted between the government and civil society institutions, and the viewpoints and ideas provided by the civil society were very helpful in decision-making regarding the reduction of civilian casualties.
- It's worth mentioning that during the last few years, the international terrorist groups have changed their fighting strategy in the battle fields, and use residential places as a shield against the national and international security forces. This strategy has resulted in the increase of civilian casualties.
- The government has always made efforts to protect and support the war-victims and their survivors, and asked the international security forces to redress as per the international humanitarian law.

Answer to Question # 38:

194. In National Directorate of Security (NDS), there is no illegal arrest. According to the article 31 of Constitution (Upon arrest every person can seek an advocate to defend his rights or to defend his case, against the accusation raised against him in accordance with the law.)

195. NDS has ordered for all its directorates to provide all necessary facilities for the lawyers in detention centers. All suspected can have lawyer without any problem, and there is not limitation for it, and the necessary facilitation will be provided. The defendant lawyers can visit their clients easily and participate in judicial court meetings. Access to legal, medical assistance and having translator are the priority of this organisation.

196. The Human Rights Unit is independent unit in the NDS, and its aim is to respect all human rights of individuals. According to the annex 1 of Criminal Procedure Code on the crimes against internal and external security and terroristic crimes, security official can put the suspects of crime against security up to 10 days under custody or detention in order to complete the procedures and collecting evidence, while after 24 hours of arresting, it should be reported to prosecution office.

197. All individual who are arrested by NDS, would be registered in a special book. The national and international human rights groups have access to this registration book and after observing the book, they can have a private and independent interview with the detainee.

198. Besides, an independent office (Deputy Office for Monitoring of Respecting Human Rights) works for respecting the human rights of suspects in the NDS. This office is quite independent and only reports to Director General of NDS or one of his Deputies.

199. There are 21 Human Rights Units in center and provinces, for remaining 14 provinces the human rights monitors travel regularly. The NDS human rights monitors visit the detention centers daily and send their reports to the main office. Constant and independent monitoring by NDS human rights monitors, also the constant monitoring of national and international human rights organisations from NDS detention centers in Kabul and provinces and registration of their observations in a book, demonstrate the serious and practical measures and actions by NDS to eliminate torture.

200. NDS is committed to respect the fundamental human rights of citizens. Torture and ill-treatment with individuals is against the official policy of NDS and there no exempt for perpetrators.

201. NDS General Director recently issued an Instruction (495)5/6/2015, in which the rule of law, respect to human dignity, respect of human rights in NDS departments have been emphasized. In this Instruction he emphasized that ill-treatment with the individual will not be tolerated and perpetrator will be investigated. A lot of works have been done regarding the torture and ill-treatment in NDS.

Public Awareness:

202. Presenting the lectures to maintain human rights in the central provincial departments and including them in training curriculum to increase the NDS staff awareness.

Monitoring:

203. The human rights monitoring section is active in most provinces and they report of human rights situation on daily basis to the main office. No investigation process is out of the human rights monitors.

Addressing the Complains:

204. The complains to potential torture or ill-treatment in arresting and primary investigation are addressed by the NDS staff regularly, and if there is any documented complain by suspects, the perpetrators will be investigated and punished. Keeping the suspects in other places of NDS is forbidden.

205. In Helmand and Farah provinces, besides the main detention centers, there were two other places in which the suspects were kept while the national and international organisations had access to these places as well. Based on decision of Human Rights Unit, these places have been closed and now there is only one place for suspects. There is no secret place in NDS to keep the suspects.

Answer to Question # 39:

206. The government has initiated a national reconciliation process in the country. The three decades of war caused many problems in Afghanistan. For addressing further conflicts, the government made efforts to conduct national dialogues to address any differences rooted in the previous conflicts during the cold war. As a result of the discussions carried out among parliamentarians and political parties, they all reached to a single conclusion that is to forgive and accept each other. The Afghan parliament has therefore approved the National Reconciliation, General Amnesty, and National Stability Law. The law declares amnesty for the previous oppositions and paved the ground for the legitimacy of peace and security. The outcome of this law is the political participation of the political parties and groups which were involved in the three decades of war and conflicts in the country, and are currently working under the same roof for improving the situation in Afghanistan.

207. No war-criminal has yet been convicted by the Afghan courts. The working procedure of the judiciary is that, the judiciary does not have the right to interfere or proceed allegations unless a complaint or claim is raised, and then in accordance with the law, shall proceed and issue orders regarding the case, (arts. 6 and 8 of the law on the structure and authority of the judiciary). However, applying and implementing the order of the court is the responsibility of the executive power, hence we can express that the persons who are accused of war crimes and are working in high positions, do not exist in the

judiciary. But, regarding the legislative and executive powers, there is no information available.

208. The judiciary does not consider its duty to interfere in the affairs of legislative power, but shall only address such cases, if claimed contrary to the Constitution. Therefore, the judiciary has not received any complaints or claims regarding the mentioned law, and is also unaware of the future plan of the government in relation to its cancellation.

Answer to Question # 40:

209. Based on Afghanistan Independent Human Rights Commission (AIHRC) findings, as an average 50 cases of torture have been registered annually and their documents have been sent to legal investigation office. During 2011 and 2012, 113 cases of torture have been registered in the legal and provincial offices.

210. In 2012, 39 cases of torture by NDS staff have been reported, while in 2013 this figure has been reduced to 17 cases. The most cases of torture have been reported from Kandahar province.

211. In 2013, only 2 cases of torture by armed people that work with US Special Armies and now are in Mullah Omar house, have been registered which shows 50 per cent reduction.

212. The legal and judicial organisations have shown little attention to the AIHRC requests that is the concern of the Commission regarding to maintain justice to torture and ill-treatment cases in accordance with the Afghanistan laws and human rights conventions.

213. To address the request of AIHRC, the legal and judicial organisations investigated the two torture cases which should be accordance with the Constitution, Penal Code, Criminal Procedure Code, while their investigation were not according to these laws:

214. In Noor Mohammad and Mohammad Sharif cases tortured by NDS investigating and detention directorate of Orzgan province in 13/03/2014, by AIHRC efforts with NDS the perpetrators (Qutratullah s/o Ahmad Shah and Abdul Latif s/o Yar Mohammad) have been arrested and their cases have been sent from Orzgan to Kabul and back from Kabul to Kadahar and then to Orzgan court, finally the mentioned court sentenced them to 8 months of prison in their Unit based on article 45 and paragraph 2 of article 7 of Military Penal Code, while the verdict is against their guilt, as article 45 is not matching to the torture convicted and is against the law.

215. The strike that happened in Pul-e-Charghi Prison on 5/8/2013, showed the illegal actions by management and guards toward the prisoners. Although the AIHRC according to its legal authority and responsibility addressed the issue and it resulted to the directorate of prison was introduced to investigation office due to his illegal actions and then he was dismissed.

Answer to Question # 41:

216. The AIHRC has so far identified and evaluated 92 mass graves. Mass graves are the heritage of wars which are identified and recorded during the last few years. The AIHRC has played an important role in identifying and protecting mass graves, and made efforts in protecting the mass graves and confirming the identity of the victims, perpetrators and historical period of time. The AIHRC and the MoI had agreed on the protection of the mass graves and to prevent any unprofessional investigation. The AIHRC has also endeavored to carry out the primary investigation in accordance to its duty and legal authority.

Answer to Question # 42:

217. According to Afghan laws, victims can claim compensation for damages inflicted on him/her according to article 51 of Constitution any individual suffering damage without due cause from the administration shall deserve compensation, and shall appeal to a court for acquisition; and articles 6 and 7 of the General Penal Code; articles 17 and 41 of the ERAW Law. Anyone can apply to court for compensation for damages and property loss. However, the claim for the compensation of damages is an exclusively civil lawsuit and shall be brought before the civil courts. In cases of violence against women, the courts, beside addressing the criminal lawsuit, may decide on compensation for damages as well. The information that has been sent by courts to the Supreme Court indicates that the courts have issued orders for compensation for damages to the women victims. For example, the appeal court of Balkh and Faryab provinces have ordered compensation for damages beside criminal verdicts.

218. The government works on a mechanism of paying compensation for damages to the victims of torture and family violence. In this regard, the Supreme Court, the Attorney General's Office and security agencies have started their cooperation and assistance. The broadness of family violence and lack of a legal investigation regarding the factors of torture and its solutions has caused this mechanism not to be finalized and implemented. But, the victims of violence, especially the victims affected during the war, receives compensation for damages following a presidential decree in this regard.

Answer to Question # 43:

219. According to the laws of Afghanistan, compensation for damages, is a personal claim and shall be raised based on specific mechanisms before the court by the victim. However, we neither have precise information regarding the cases of torture, nor regarding the claims of compensation for damages resulted from torture.

Answer to Question # 44:

220. According to Criminal Procedure Code 2014, any documentation and evidence that have been collected without considering the provision of law, are rejected and the court cannot refer to them. This mechanism has been emphasized twice in Criminal Procedure Code. According to the provisions of these laws, any proceeding based on torture is rejected and the responsible will be investigated. Based on article 9 of this Code, the courts are obliged to assign a defending lawyer for the suspects whose forgery deemed as crime. Based on article 275 of the Penal Code, if an official of the public services tortures the accused for the purpose of obtaining confession or issues order to it, shall be sentenced to long-term imprisonment. If the accused dies as a result of torture, the offender shall be sentenced to the punishment of intentional murder as anticipated in this law.

221. Article 276 of the Penal Code states, if the official of public services punishes the convict more than what he has been sentenced to, issues an order to it, or applies to him a punishment for which he has not been sentenced, in addition to medium imprisonment, he shall be sentenced to imprisonment and separated from duty.

Answer to Question # 45:

222. The National Directorate of Security has recently issued an order (0555) dated 30/09/2013, prohibiting hiring underage persons and not keeping them in the prosecution sections of the Directorate. Based on this order and the provisions of the international conventions, security agencies shall seriously avoid hiring under 18 years old children. The order has been implemented in all security institutions of the country, and is being monitored by national and international human rights organizations.

223. The detention facilities are divided into two sections. Detention centers for adults and detention centers for underage children. Efforts have been made to initiate educational and rehabilitation programs in detention centers for children. These programs include moral lessons, rehabilitation issues, basic human rights and respect for laws. Detention facilities for children are monitored by national and international organizations.

224. Terrorist attacks are the major challenges for security agencies in Afghanistan. The government has implemented programs for ensuring the security of the citizens, like organizing security check points, establishing police stations, daily inspection and controlling of busy areas, collecting illegal weapons, and arresting armed groups and suspects. On the other hand, the government via mass media invites and encourages the citizens to cooperate in foiling the suicide attacks. These programs have reduced the suicide attacks. But, the intelligence information indicates that enemies of Afghanistan have planned a wide range of attacks, as suicide and terrorist attacks which is a big challenge against the security of Afghanistan.

225. Please refer to the Answer of Question 49!

Answer to Question # 46:

226. In Afghanistan, freedom of speech and other civil freedoms have been guaranteed by Media Law which is one of the best media laws in the region. On the other hand, the Afghan parliament has recently adopted the Law on Access to Information. The Constitution and the International Covenant on Civil and Political Rights have guaranteed the freedom of human rights organizations, civil society activists, human rights defenders, women rights activists, journalists, and the citizens of Afghanistan.

227. Political parties and non-governmental organizations have conducted their activities without the interference of the government and share their viewpoints with government. But, unfortunately civil activists are targeted and harassed by the armed opposition groups of the government. According to reports of human rights institutions, during 2013 a number of journalists faced threats and violence. The government has created the investigation commission for the purpose of preventing such violence and prosecuting its offenders.

Answer to Question # 47:

228. Human rights defenders can register their complaints regarding lack of legal security with the AIHRC. The government with the cooperation of the AIHRC shall evaluate and monitor accordingly.

229. The government through dialogues on security policies, invited the AIHRC, civil society institutions and human rights defenders to participate and discuss the human situation and the security of human rights defenders. In some provinces, joint working groups among the security agencies and civil society institutions for the purpose of monitoring the violence and any other inhuman actions against the human rights defenders. The government so far has not received complaints on arbitrary detention, forced disappearance and torture of human rights activists.

Answer to Question # 48:

230. Regarding juvenile, paragraph 3 of article 39 of Juvenile Justice, Law states, a child shall not be sentenced to continuous imprisonment or capital punishment.

231. The criminal codes of Afghanistan have respected the interest of both defendant and victim without any discrimination. If a person kills an innocent human being, then the rights of victims shall be protected. Importantly, Afghanistan is an Islamic country and Qisaas (Retribution) is an important principle of the Islamic penal law that is proved by the

Holy Quran. Therefore, for preventing such incidents and preserve social discipline, Afghanistan does not reject capital punishment.

Capital Punishment has been anticipated in the following laws:

232. Penal Code, the Law on Crimes against Internal and External Security, the Law on Combating Abduction and Human Trafficking, the Law on Combating Terrorist Offenses, Military Penal Code and the Law on Elimination of Violence against Women.

233. It's worth mentioning that the law on limiting death penalty published in the official gazette 1320 dated 14/01/1992 has limited death penalty, but not rejected it. The first article of this law states: the death sentence cannot be executed, except for the following cases: Intentional murder, massacre, explosion (accompanied by murder), burglary (accompanied by murder), and other crimes as a result of which, the land of Afghanistan wholly or partially get under the sovereignty of a foreign state and damages the territorial integrity and independence of the country (Treason).

234. According to article 97 of the Penal Code, principle punishments are: Execution, continuous imprisonment, long-term imprisonment, medium-term imprisonment, short-term imprisonment and cash fine.

235. The government has not yet implemented any case of execution resulted from political activities.

236. According to the laws of Afghanistan, extrajudicial and arbitrary executions are deemed a crime. According to article 395 and 396 of Penal Code and other laws, these actions are considered as crime and the perpetrators will be punished. Therefore, based on penal laws, these people will be pursued and the government will arrest and investigated these people as other criminals and will be punished according to the law. Regarding apostasy and blasphemy cases, no death penalty has been issued or implemented yet.

Answer to Question # 49:

237. The article 5 of the Juvenile code states, all children who have not completed the age of 12 are not criminally responsible.

238. All "criminal" decisions of the special court that refer to the children "adolescent" are for those who have completed the age of twelve, but have not completed the age 18.

239. In accordance with article 39 of the Juvenile code, all children are divided into two categories:

240. Those who have completed 12 years of age and have not completed 16 years of age, and those who have completed 16 years of age and have not completed 18 years of age.

241. Regarding the first category, the court cannot order punishments exceeding one third of the maximum sentence stipulated in the Penal Code for those above 18 years of age for the same crime. Regarding the second category, the court also cannot order punishments exceeding half of the maximum sentence stipulated in the Penal Code for those above 18 years of age for the same crime. Furthermore, a child (adolescent) whether under or over 16 years of age cannot be convicted to the continued imprisonment (life imprisonment) or death penalty.

242. The Juvenile code has anticipated easy punishments for children who have completed 12 years of age and have not completed 18 years of age.

243. According to articles 91, 92, and 93 of the Penal Code approved in 1976, a person who has not completed the age of 18 years, shall not be sentenced to the death penalty.

244. According to article 12 of the Juvenile Code, the suspected and arrested child shall be detained in a special temporary location. The detention authority is obliged to provide access of the detained child to social, educational, vocational, psychological and health services considering the age and gender requirements of the child.

245. In accordance with article 5 of the Law on Combating Terrorist Offenses, if the offenses mentioned in this Law are committed by juveniles, the legal proceedings shall be carried out in accordance with the provisions of the Law on Juvenile Justice.

Answer to Question # 50:

246. Based on presidential decree 172, employing underage persons is prohibited.

247. Presidential decree #20 regarding the new procedure for accepting volunteers to National Army, the requirements are as follows: should be Afghan citizens and aged between 18-58.

248. In accordance with the enrollment procedure of Afghan National Army (ANA), the recruitment requirements in ANA is Voluntary and the legal age for joining ANA shall be confirmed via National ID card. The following ages are anticipated for officers, lieutenants and soldiers: officers 20-26 years of age, lieutenants 18-28 years of age, soldiers 18-35 years of age.

249. The policy on preventing the recruitment of underage persons to National and local police has also prohibited the recruitment of the underage persons and states that, this policy has been provided and prepared for the purpose of prohibiting and providing awareness to all police authorities and departments to avoid recruiting underage children into national and local police as well as observing the laws of the country and procedure of recruitment.

250. A policy has been developed in light of articles 4, 49 and 54 of the Afghan Constitution, the Juvenile code enacted in 2003, the Child Rights Convention adopted in 1989 and articles 1 and 2 of the optional protocol on the convention on the rights of the child in armed conflicts adopted in 2000 and other laws and regulations of the country, the orders, directive and procedures of the MoI in connection for ensuring the rights of children free of discrimination, regardless of ethnicity, colour, sex, language, region, religion and other dependencies.

251. According to the reports of different institutions, from 2009-2013, around 9,355 incidents related to children have been reported from the capital and the provinces. The reports include 6,755 cases of male children and 2,600 cases of female children, which includes rape, sexual abuse, trafficking, abduction, forced marriages, forced labor and involving in armed groups, addiction to drugs, disability, children in violation of the law and children without family care. From 2009-2011, around 56 children are reportedly having joined insurgent armed groups.

252. The Ministry of Labor and Social Affairs, Martyrs and Disabled (MoLSAMD) with the cooperation of the World Bank has launched a social safety program from 2011-2013. These programs have been conducted for vulnerable people in Kabul, Badakhshan, Badghis, Daikundi and Samangan provinces. Following the implementation of the mentioned programs, around 16,622 families whose members reaches to 80328 persons, including 67,674 children of under 5 years old, have been financially assisted considering the number of children in the family.

253. Furthermore, the other part includes children who escaped from their homes and parental care, and their number from 2009-2014 reaches to 2,151 children, including 1,426 male and 752 female children. The children who run away from their homes as a result of family violence, are protected in protection centers, and after interviewing the children and

explaining them their rights shall be returned to their families. The process will be monitored by the social workers of the MoLSAMD which takes 6 months' time. Also Human Rights Protection Unit of MoJ will consider the provision of Convention on the Rights of Child in new Children Rights Law.

Answer to Question # 51:

254. In accordance with articles 2 and 3 of the law on education, ensuring equal rights to education, strengthening the motive of respecting human rights, supporting women rights and democracy. Elimination of all forms of discrimination in light of the Islamic principles and values. Providing equal rights for the Afghan citizens to education and prohibition of any physical and psychological punishment of students are the main objectives of this law. In addition, according to article 39 of this law, any physical and psychological punishment, even for correction and rehabilitation of students is not allowed.

255. Article 5 of the Juvenile Code state, a person who has not completed the age of 12 is not criminally responsible. If the crime mentioned in paragraph (1) of this article is a result of negligence on the part of parents and has caused material losses, the parents are obliged to compensate for the losses.

256. In addition, articles 7, 8 and 9 of the Juvenile Code, harsh punishment of children, even if for correction and rehabilitation purposes, is not allowed. Confinement of a child is considered to be the last option for rehabilitation and of the child. The court shall consider the minimum possible duration of confinement. Detection of children's offences is the responsibility of police while Special Juvenile Prosecutor's Office is responsible for assessment, investigation and prosecution of juvenile crimes. Therefore, special juvenile prosecution offices shall be established in the capital and provinces.

257. Juvenile Prosecutor's Office is composed of Director and professional and administrative members dealing with children's crimes, according to the provisions of this code.

Answer to Question # 52:

258. The Government of Afghanistan considers accession to the Optional Protocol against Torture. The Government of Afghanistan will review and analyze the UNAMA recommendations and intends to hold a dialogue with all state institutions on meaning, promotion and understanding of Optional Protocol. The Ministry of Foreign Affairs (MoFA) has sent the message of international partners to Ministry of Justice (MoJ). Ministry of Justice will consider the legal analysis of provisions of the Optional Protocol in accordance to national laws and legislation. Then, based on this analysis, Ministry of Justice will propose the accession to the Protocol to the Government. Directorate of Human Rights and Women's International Affairs, MoFA, will send the document that affirmed by the Government to the Committee against Torture.

Answer to Question # 53:

259. During the review of all draft of all laws, Ministry of Justice considers the provisions of international human rights conventions, including the provisions of the Statute of the International Penal Court (Rome Statute). The Government of Afghanistan will include the objectives the of international criminal court statute are included in its human rights structure and training. In this regard, the international criminal law is the main subject of training program in Judicial Training Center of Supreme Court (please refer to Answer to Question 11). Media, along with human rights activists are trying to promote the integration of provisions of the Rome Statute and other human rights conventions in national laws.

Answer to Question # 54:

260. The technical assessment of withdrawing the reservations has been started as a priority in relevant organisations, and final decision will require the assessment of whole national laws. After the implementing study of national law, the final decision will be taken and the Committee against Torture will be informed accordingly.

Answer to Question # 55:

261. It's to be mentioned that legal measures, including approval of laws and regulation in relation to combating terrorism is vital, but unfortunately we do not have a law that precisely defines the nature and operation of the crimes and criminal group, and decisions are taken as per the existing laws.

262. The effects of these measures which are in accordance with the international prerequisite, will lead to weakening the terrorists, and in practice may lead in their trial which is promising step towards supporting the human rights.

263. Legal guidelines have always been distributed to law enforcement officials in order to consider the legal standards in their operations.

264. Those arrested during the operations by the police, in case of having no material evidence against them, in order to preserve their human rights, shall be immediately released in the first place.

Answer to Question # 56:

265. In order to raise the public awareness of people with human rights values, the government has tasked all human rights units to launch continuous media programs, local events and awareness raising programs on Universal Declaration of Human Rights, human rights conventions and the commitments of the Afghan government in relation to human rights.

266. Measures have also been taken through the programs run by the AIHRC for institutionalizing the culture of human rights. For instance amendments of laws, amending and changing educational curriculum, including human rights concepts and topics in the educational curriculum of the police and army training centers; protecting and promoting the rights of women, children and disabled persons, promoting the principles and standards of fair trial, encouraging the government for joining international human rights conventions, organizing and conducting dozens of educational training workshops in relation to raising the awareness of people regarding their rights; continuous monitoring detention centers across the country, monitoring of trial process, investigating on civilian casualties, monitoring of economic and social rights of women and children; monitoring and observing election process, and monitoring other social events and protests are among the activities of the AIHRC. The successful completion of the AIHRC role in the peace process and transitional justice is an important achievement that resulted in preparing and finalizing the Conflict Mapping Report.

Answer to Question # 57:

267. For ensuring civil, political, economic, social and cultural rights, the government has tasked all governmental institutions to develop strategic plans. For instance, the strategic plans of human rights units of ministries of interior, defense, justice, women's affairs, NDS and social programs of the Ministry of Public Health, the Ministry of Education and judicial institutions. These institutions provide awareness to public services officials and people regarding human rights.

268. The programs of the AIHRC have been developed and implemented through a 4 year strategic plan 2010-2014, in five strategic objectives (leadership, Education, Empowerment, Advocacy, Monitoring and Evaluation). The new strategic plan of the AIHRC has been developed and prepared based on the current requirements, lessons learned from the implementation of the previous plan. Hence, we can say that the new strategic plan will be more useful and effective in promoting and protecting the human rights.

269. The civil society institutions are conducting valuable programs through their strategic plans in connection to promoting human rights. For example, we can mention the 5 year strategic plan of the Civil Society and Human Rights Network of Afghanistan (CSHRN), Afghanistan Civil Society Forum Organization (ACFO), and Afghan Women Network (AWN). These civil institutions with the supports of the government conduct coordination programs, dialogues, research, educational symposiums, educational workshops and seminars to the Afghan citizens without any interference of the government in an open condition.

270. The media of the country also conduct human rights programs with the support of the governmental institutions and the assistance of the AIHRC, civil society institutions and the organizations in defending the rights of the journalists.

Answer to Question # 58:

271. The human rights unit of the MoJ, in order to implement the recommendations of the United Nations Human rights monitoring mechanisms, has translated all of the recommendations into the national languages and for the first time completed a plan in the last quarter of 1393 (2014) and sent it to the relevant agencies to be implemented. During the second quarter of 1392 (2013), a survey on the implementation of the action plan of the recommendations was launched, as a result of the information collected regarding the implementation of the activities mentioned in the action plan and including the recommendations of CEDAW and the recommendations of the second round of the UN Human Rights Council's UPR. Worth mentioning that the recommendations of monitoring mechanisms regarding the elimination of torture and its relevant matters have been included in the action plan of the recommendations, for the implementation of which practical programs have been planned by the governmental institutions.

3. Conclusion

272. The reporting process in Afghanistan has been accompanied by challenges and opportunities for the coordinating committee of this report. After 22 years of problems, hardships and challenges, Afghanistan decided to provide this report. During this period, lots of the victims who were tortured during the previous regimes which were in power before 2002, have either lost their lives or become disabled. The exact figure of the victims of inhuman treatments during the wars and conflicts is not clear. But, the only thing which is clear is that a huge number of Afghan citizens suffer from mental and psychological disorders that indicate the deepness of inhuman treatments against the citizens of the country. Hence, the Islamic Republic of Afghanistan with the support of the international community considers human rights as one of its most important working components.

273. The government started forming the structures and preparing this report in September 2013 to December 2014. In this regard, the supportive role of UNDP as a financial supporter and the professional role of the Danish Institute of Human Rights (DIHR) are commendable and appreciated.

274. The reporting process led to conducting conferences, seminars, and symposiums across the country, for strengthening the political determination of the government. The national and international media have also covered and reflected this process, and launched discourses and awareness programs. The political parties have also made efforts to define the stance and position of government for limiting torture.

275. The civil society institutions of Afghanistan have also contributed and played an active role in the reporting process, by conducting awareness and capacity-building programs. One of the important outcomes of this report is providing shadow reports by the civil society institutions to the United Nations structures. This report has caused the international institutions, especially the United Nations to show interest and support towards the reporting process. During the preparation of this report, the Human Rights Section of UNAMA held two consultative meetings with the coordinating committee of the report.

276. This is a fully legitimate report and has been widely discussed in the capital Kabul and across the provinces. Although, the report may not provide all the necessary information (lack of specific structures to register and record torture cases is the reason for this issue).

277. The government expects the international community, particularly the Committee against Torture while reviewing and evaluating this report, consider the current realities of the country which severely suffers from insecurity.

278. The Government of Islamic Republic of Afghanistan is committed and decisive to prepare and submit the next reports on time to the United Nations human rights convention monitoring entities.
